

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Harrisonburg Division

IN RE: THOMAS EDWARD LAWSON  
and TRENA RENAY LAWSON

Case No. 13-50922

Debtors

Chapter 7

THOMAS EDWARD LAWSON  
Movant

Motion No. 5

v.

AUGUSTA HEALTH CARE, INC.  
DBA/AUGUSTA MEDICAL CENTER  
AND AUGUSTA HEALTH  
Respondent  
and

GEORGE I. VOGEL, Trustee  
Respondent

ORDER VOIDING LIEN

On this day appeared the Debtor, Thomas E. Lawson, Sr., by counsel, upon Debtor's motion pursuant to Bankruptcy Code § 522(f) and Bankruptcy Rule 4003(d) to avoid a certain judgment lien held by Augusta Health Care, Inc. , on Debtor's real property located at 151 Steeles Lane, Raphine, Augusta County Virginia, 24472, also identified as Augusta County Tax Map Parcel 094-13 (hereinafter "real estate"), and upon the exhibits attached to Debtor's Motion and the argument of counsel.

UPON CONSIDERATION WHEREOF, the Court finds as follows:

- 1.) Debtor is the owner of real estate located at 151 Steele Lane, Raphine, Virginia, in Augusta County, Virginia as is particularly described as follows:

All of that certain tract or parcel of land with all improvements thereon and appurtenances thereto belonging situate in Riverheads District, Augusta County, Virginia designated as Lot 1 containing 1.5000 acres as shown on plat entitled "Plat of a Division of the Frank & Anne Gibson Family, LLC Property, Riverheads District, Augusta County, VA" made by R.E. Funk-Land Surveyor dated October 2, 2003 attached to deed from Frank & Anne Gibson Family, LLC to Bert Patterson of record as Instrument No. 030017386 and in Plat Book 1, Page 5754. TOGETHER WITH the above and as an appurtenance thereto there is further conveyed to nonexclusive right to use the existing 18-foot right of way in common with the Grantee and others to Route 918 all of which is of record in the Augusta County Circuit Court Clerk's Office.

- 2.) That the real estate is valued at \$65,000.00 pursuant to a real estate appraisal dated April 9, 2013;
- 3.) That Respondent docketed a judgment lien against Debtor's real estate in the Augusta County Circuit Court Clerk's Office at Judgment Docket #110000359 and said lien is a judicial lien.
- 4.) That there are other liens against Debtor's real estate including
  - a. A Deed of Trust to First National Bank of Arizona with an unpaid principal balance of \$64,060.77;
- 3.) The Debtor filed a Homestead Deed exempting \$940.00 for the equity in the real estate.
- 4.) Added together, the aforementioned deed of trust, other judgment liens, Respondent's judgment lien and the exemption claimed by Debtor exceeds Debtor's interest in the real estate and accordingly Respondent's judgment lien may be avoided in its entirety pursuant to 11 U.S.C. § 522(f)(1)(2)(A).
- 5.) The Debtor properly notified Respondent of this proceeding.
- 6.) Respondent has not filed an Answer to Debtor's Motion or otherwise appeared in this case within the time period set forth in the Court's pre-hearing Order.

IT IS THEREFORE, ORDERED that the judgment lien of Augusta Health Care, Inc. of record in the Augusta County Circuit Court Clerk's Office in Judgment Docket #110000359 is hereby VOIDED in its entirety and shall be of no effect; it is further

ORDERED that Debtor may file this Order with the Clerk of the Circuit Court of Augusta County. It is further

ORDERED, ADJUDGED AND DECREED that Pursuant to 11 U.C.S. § 349(b), should the Debtor's case be dismissed prior to the Debtor obtaining a discharge of his debts under 11 U.S.C. § 727, this Judgment shall be void and of no further force or effect.

Copies of this Order are directed to be delivered to the Debtor, Debtor's Attorney, the Trustee, and Augusta Health Care, Inc.

A handwritten signature in black ink, reading "Rebecca B. Connelly". The signature is written in a cursive style. In the background, there is a faint, circular seal of the United States Bankruptcy Court for the District of Virginia, featuring an eagle and the words "UNITED STATES BANKRUPTCY COURT DISTRICT OF VIRGINIA".

U. S. Bankruptcy Judge

October 16, 2013

Date

I ASK FOR THIS:

/s/ Jeffrey A. Ward  
Jeffrey A. Ward, Esq. (20702)  
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